

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NORTHERN KENTUCKY)	
WATER DISTRICT FOR ACCREDITATION)	
AND APPROVAL OF A PROPOSED WATER)	CASE NO. 2017-00114
DISTRICT MANAGEMENT TRAINING)	
PROGRAM)	

APPLICATION

Northern Kentucky Water District (“NKWD”) applies for an Order from the Public Service Commission accrediting and approving a proposed water district management training program pursuant to KRS 74.020 and 807 KAR 5:070.

In support of its application, NKWD states:

1. NKWD is a water district organized pursuant to KRS Chapter 74.
2. NKWD’s mailing address is 2835 Crescent Springs Road, Erlanger, Kentucky 41018-0640. Its email address is lrechtin@nkywater.org.
3. NKWD provides retail water service to all or portions of Boone, Campbell, and Kenton Counties, Kentucky and provides wholesale water service to non-affiliated water distribution systems in Boone, Campbell, Kenton and Pendleton Counties, Kentucky.
4. NKWD is not a corporation, limited liability company or partnership. It has no articles of incorporation or partnership agreements.
5. NKWD proposes to sponsor and conduct a water management training program on March 31, 2017 at NKWD’s offices in Erlanger, Kentucky. The program is entitled “Northern Kentucky Water Training 2017.” A copy of the proposed agenda is attached to this Application as **Exhibit 1**.

6. As reflected in Exhibit 1, the proposed training program will include presentations on recent developments in utility regulatory law, including a discussion of recent Kentucky court and Public Service Commission decisions; recent developments regarding federal and state water quality laws; and a panel discussion on recurring legal issues present in the operation and management of water systems. These presentations will enhance the attendees' understanding of relevant legal issues involved in the management, operation, and maintenance of water treatment and distribution systems and are calculated to enhance and improve the quality of the management, operation and maintenance of the attendees' water systems.

7. The proposed training program will consist of six hours of instruction and should be accredited and approved for six credit hours of water district management training.

8. A biographical statement containing the name and relevant qualifications and credentials for each presenter is attached at **Exhibit 2** of this application.

9. The written materials to be provided to each attendee are under development and will be submitted to the Commission before March 31, 2017. The materials are of the same type and nature as those provided at the accredited training program conducted at NKWD's offices on May 27, 2015¹ and May 4, 2016.² In addition to a copy of each speaker's presentation, the Joint Applicants will provide each attendee with a flash drive containing an electronic copy of applicable laws, regulations, Kentucky court decisions, and Commission orders, as well as several reference publications.

10. NKWD has applied or will shortly apply to the Kentucky Bar Association, the Department of Local Government, the Kentucky Division of Compliance Assistance for

¹ *Application of Northern Kentucky Water District and Stoll Keenon Ogden PLLC For Accreditation and Approval of A Proposed Water District Management Training Program, Case No. 2015-00147 (Ky. PSC May 18, 2015).*

² *Application of Northern Kentucky Water District and Stoll Keenon Ogden PLLC For Accreditation and Approval of A Proposed Water District Management Training Program, Case No. 2016-00146 (Ky. PSC May 5, 2016).*

accreditation of the proposed training program for six hours of: Continuing Legal Education Credit, Elected County Officials Training Incentive Program credit and Continuing Education for Drinking Water and Waste Water System Operators.

11. NKWD has sent notice of the proposed training program by electronic mail to the water districts and water associations that are under Commission jurisdiction as well as representatives of investor-owned utilities, county judge/executives, county attorneys, and members of the Kentucky Bar Association who are believed to have an interest in the proposed program's subject matter.

12. NKWD will retain a record of all water district commissioners attending the proposed training program.

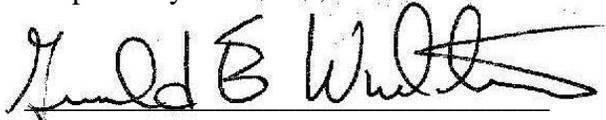
13. No later than May 15, 2017, NKWD will file with the Commission a sworn statement:

- a. Attesting that the accredited instruction was performed;
- b. Describing any changes in the presenters or the proposed program curriculum that occurred after certification;
- c. Containing the name of each attending water district commissioner, his or her water district, and the number of hours that he or she attended; and,
- d. Including a copy of any written material given to the attendees that has not been previously provided to the Commission.

WHEREFORE, Northern Kentucky Water District requests that the Commission approve and accredit the proposed training program entitled "Northern Kentucky Water Training 2017" for six hours of water district management training.

Dated: March 2, 2017

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. Wuetcher", written over a horizontal line.

Gerald E. Wuetcher

Stoll Keenon Ogden PLLC

300 West Vine Street, Suite 2100

Lexington, Kentucky 40507-1801

gerald.wuetcher@skofirm.com

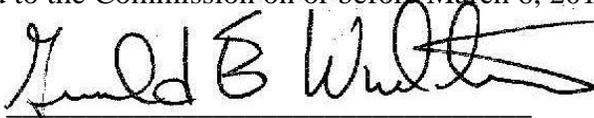
Telephone: (859) 231-3017

Fax: (859) 259-3517

Counsel for Northern Kentucky Water District

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that the Northern Kentucky Water District's March 2, 2017 electronic filing of this Application is a true and accurate copy of the same document being filed in paper medium; that the electronic filing has been transmitted to the Commission on March 2, 2017; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original paper medium of this Application will be delivered to the Commission on or before March 6, 2017.

A handwritten signature in black ink, appearing to read "Gerald E. Wuetcher", written over a horizontal line.

Gerald E. Wuetcher

EXHIBIT 1

2017 Northern Kentucky Water Training
March 31, 2016
2835 Crescent Springs Road
Erlanger, Kentucky

MORNING AGENDA

7:45 - 8:30 Registration & Refreshments

8:30 – 8:35 Welcome & Program Overview

8:35 - 9:35 Recent Developments in Utility Regulation: Part 1

Presenters: Damon Talley & Gerald Wuetcher

Presenters will discuss legislation enacted by the 2017 General Assembly, recent court rulings, and recent Public Service Commission decisions, and the potential effects of each on water utilities. They will also address the recent efforts of local governments to tax water service to support 911 services; the benefits and drawbacks of water districts adopting their own ethics codes; the PSC Reorganization and its Implications for Water Utilities; changes in PSC procedures and their potential effects; water utility management's legal responsibilities and the potential liabilities from the failure to adequately meet those responsibilities; potential regulatory issues arising out of the construction of new water treatment plants and distribution facilities; and significant issues to consider before filing an application for a rate adjustment.

9:45 - 10:45 Recent Developments in Utility Regulation: Part 2

Presenters: Damon Talley & Gerald Wuetcher

Continuation of Presentation.

10:50 - 11:50 Division of Water Update

Presenter: Peter Goodmann, Director, Kentucky Division of Water

Presentation includes an overview of the Division of Water's recent policy initiatives, its efforts to address present budget and personnel constraints, and KDOW-KPSC coordination, and a discussion of the challenges facing Kentucky's water utilities as they respond to public concerns raised by drinking water problems occurring in Flint, Michigan. Presenter will also address water industry compliance efforts with the Reduction in Lead and Copper Rule and the implementation of Disinfection Byproduct Rule and its effects on consecutive water systems.

11:50 – 12:30 LUNCH

AFTERNOON AGENDA

12:30 - 1:30 The Kentucky Public Service Commission: A Commissioner's Prospective

Presenter: Robert Cicero, Kentucky Public Service Commission

The Vice-Chairman of the Kentucky Public Service Commission will discuss the Commission's recent reorganization and the implications of that reorganization on

water utilities. He will also discuss the Commission's policy goals and objectives as they relate to water utilities.

1:40 -2:40 Public Service Commission and Water Utility Inspections

Presenter: John S. Lyons, Kentucky Public Service Commission

In November 2016, the Kentucky Public Service Commission reorganized and created a Division of Inspections whose stated purpose is "to ensure safe and reliable service to the customers of regulated utilities." The Presenter, who is the director of that Division, will provide an overview of the Division's resources and its plan for meeting its responsibilities. The presentation will identify the Division's specific areas of concern regarding water utilities, methods and procedures that the Division will use to conduct inspections, to report inspection results, and to permit water utilities to respond to reports of inspections. It will also discuss the Division's role in the enforcement of the Commission's safety and service reliability regulations.

2:45 – 3:45 Legal Issues in the Operation & Management of Water Systems

Featuring John N. Hughes, David Koenig, Damon Talley, and Gerald Wuetcher

A panel will address audience questions about legal issues that water utilities routinely face. Among the expected topics are the Whistle Blowers Act, Claims Against Local Government Act, Bidding Requirements, Eminent Domain, Local Model Procurement Law, general laws related to special districts, and PSC regulatory requirements.

3:45 Closing Remarks / Announcements

Presented by Northern Kentucky Water District

EXHIBIT 2

Chairman Schmitt**Vice Chairman Cicero****Commissioner Logsdon****Robert Cicero**

Vice Chairman, Kentucky Public
Service Commission

Robert J. Cicero was appointed to the Kentucky Public Service Commission (PSC) by Governor Matthew Bevin on April 26, 2016. He was appointed vice chairman of the PSC on June 21, 2016. His term expires June 30, 2020.

Prior to joining the PSC, Commissioner Cicero was a small business owner and a business executive. He is co-owner of High Performance Coolers LLC, a wholesale distribution company in Florence, and previously was co-



owner of a small medical research company. In 2006, Commissioner Cicero retired from Aristech Acrylics LLC, where he served nearly 10 years as the Chief Financial Officer and Treasurer. He previously worked 20 years for US Steel Corporation and its affiliates in various managerial and financial capacities.

Commissioner Cicero is a member of the National Association of Regulatory Utility Commissioners.

He attends St. Paul Church in Florence, KY.

Vice Chairman Cicero holds a Master of Business Administration degree from the Joseph M. Katz Graduate School of Business at the University of Pittsburgh and has a Bachelor's of Science degree in Accounting.

Peter Goodman: *Kentucky Division of Water, Director*

Mr. Goodman has worked for Department for Environmental Protection since 1993, including 13 years as a manager in the Division of Water prior to being appointed Assistant Director in 2008. In February, 2014 Mr. Goodman was appointed the Director of the Division of Water. He is responsible for overseeing Kentucky's water regulatory programs, including the Clean Water Act and Safe Drinking Water Act programs and other programs, including the Dam Safety program, Stream Construction/Floodplain permitting, NFIP, and the Risk Map program, as well as the Agriculture Water Quality Act.

Peter earned his B.S. in Geology from the University of Iowa (1984), his M.A. in Geology from Temple University (1986), and conducted other post-graduate work at the University of Kentucky, where he was a Chevron Fellow.

John N. Hughes (Jack)
124 W. Todd St.
Frankfort, KY 40601
502 227 7270

Admitted to Practice: Kentucky Supreme Court: 1976

Member Kentucky Bar Association

**U.S. District Court for the Eastern and
Districts of KY 1977**

U.S. Sixth Circuit Court of Appeals

Education: Centre College, Danville Ky.
B.A. Government, Economics, 1971

**University of Louisville Law School,
J.D., 1976**

Since 1989 I have been in the private practice of law limited to representation of telecommunications, natural gas, electric, private, public and municipal water and wastewater utilities in regulatory and related matters before the Kentucky Public Service Commission, state circuit and appellate courts, federal district courts and the Sixth Circuit Court of Appeals .

BIOGRAPHICAL INFORMATION

DAVID A. KOENIG
Attorney at Law
223 Main Street
P.O. Box 6205
Florence, KY 41022-6205
(859) 525-6161

EDUCATION:

College:	College of William & Mary 1968-1970
	University of Kentucky B.A., 1972
	University of Kentucky College of Law J.D., 1975

LEGAL EXPERIENCE:

1975 - Present	Attorney engaged in private practice.
1984 - 1986	Public Defender Boone District & Circuit Courts
1986 - 1988	Traffic Alcohol Prosecutor Boone County Attorney's Office
1990 - 1996	Domestic Relations Commissioner Boone Circuit Court
1992	Assistant Legal Counsel Northern Kentucky University
1997- 2007	Child Support Attorney Boone County Child Support Office

1997 - 1998 Assistant Commonwealth Attorney
Boone-Gallatin Commonwealth Attorney's Office

2007 - Present Assistant County Attorney
Boone County Attorney's Office

and

Director,
Boone County Child Support Office

RELEVANT LEGAL EXPERIENCE:

1992 – Present Counsel,
Boone County Water District

1998 – Present Co-Counsel,
Boone-Florence Water Commission

MISCELLANEOUS:

- Past President, Boone County Bar Association;
- Past Director, Northern Kentucky Bar Association;
- Past Board Member:
 - Family Service of Greater Cincinnati;
 - Tri-City YMCA;



Biography

Kentucky Public Service Commission



JOHN S. LYONS
Director, Division of Inspections
Kentucky Public Service Commission

After a distinguished 27-year career, serving in various capacities for the Energy and Environment Cabinet, and a brief attempt at retirement, Mr. Lyons was lured back to public service when he was appointed by Governor Matt Bevin on November 1, 2016, to serve as the new Director of the Division of Inspections for the Kentucky Public Service Commission. John's new role primarily focuses on leading a team of investigators, ensuring that public utilities deliver safe and reliable service to the citizens of the commonwealth.

Over the years, John has made numerous presentations on a variety of energy and environmental issues to various groups throughout the state and nation. His prior work at the state and national level has helped shape the regulatory landscape on variety of public, environmental and energy policies.



Damon R. Talley

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PRACTICES

Utility & Energy

INDUSTRIES

Public Utility

BAR & COURT ADMISSIONS

Kentucky

Kentucky Supreme Court

U.S. District Court, Eastern District Of Kentucky

U.S. District Court, Western District Of Kentucky

United States Supreme Court

EDUCATION

University of Kentucky College of Law

1975, J.D.

University of Kentucky College of Engineering

1972, B.S.M.E.

Damon R. Talley

Damon serves as Of Counsel and is a member of the Utility & Energy practice. He practices out of the Louisville, Lexington and Hodgenville, Kentucky offices. Damon brings to SKO more than 35 years of experience working in private practice focusing on public utility work. He serves as General Counsel of the Kentucky Rural Water Association and has served in this capacity since 1979.

He is a frequent speaker at training sessions sponsored by the Kentucky Rural Water Association, Public Service Commission, Division of Water, Utility Management Institute, and other Utility Industry Groups.

Damon received his J.D. from the University of Kentucky College of Law in 1975, and earned his B.S.M.E. in 1972 from the University of Kentucky College of Engineering. He served as a board member of the Kentucky Infrastructure Authority for 15 years (2000-2015), and was a charter member, a long-time board member and Board Chairman for two terms of the KY FFA Foundation, Inc. He also serves as a board member for a variety of other non-profit organizations.



Gerald E. Wuetcher

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PRACTICES

Utility & Energy

BAR & COURT ADMISSIONS

Kentucky

Kentucky Supreme Court

U.S. Court Of Appeals For The Armed Forces

U.S. District Court, Eastern District Of Kentucky

U.S. District Court, Western District Of Kentucky

EDUCATION

Emory University

1984, J.D.

Johns Hopkins University

1981, B.A.

Gerald E. Wuetcher

Jerry is Counsel to the Firm and a member of the Utility & Energy practice. He brings to Stoll Keenon Ogden more than 25 years of experience working at the Kentucky Public Service Commission, where he served as a staff attorney, deputy general counsel and executive advisor. He frequently appeared before the Commission in administrative proceedings involving electric, natural gas, water and sewer utility issues and represented the Commission in state and federal courts. Jerry also served as the Commission's representative in a number of interagency groups addressing water and wastewater issues. Between 2009 and 2013, he was the Commission's representative on the Board of the Kentucky Infrastructure Authority. Jerry developed and implemented the Commission's training program for water utility officials in 1998 and has also served as an instructor.

Jerry served for 27 years in the United States Army as a judge advocate before retiring at the rank of Colonel in 2011. His service encompassed numerous roles on active duty and in a reserve status, including claims officer, trial and defense counsel and legal assistance officer. He commanded the 139th Legal Support Organization – an Army Reserve unit consisting of four legal services teams in Kentucky and Tennessee – and has served as the Staff Judge Advocate to the 100th Division (Training). His military awards include the Legion of Merit and Meritorious Service Medal.

Jerry received his J.D. from Emory University in 1984, and earned his B.A. in History in 1981 from Johns Hopkins University. Jerry also serves as a member of Board of Trustees of the Woodford County Library and has previously served as an adjunct professor at the University of Louisville Brandeis School of Law.